

ORIGINAL

OFFICIAL FILE  
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

2006 AUG 18 A.D. 11

Enbridge Energy Partners, L.P. and  
Enbridge Energy, Limited Partnership

Application for a Certificate in Good  
Standing

Docket No. 06-0470

**MOTION BY LANDOWNERS FOR  
CONTINUANCE OF AUGUST 31, 2006 HEARING**

ROSAMOND C. HAM and the CLEAVE FAMILY TRUST, as property owners named in this proceeding, by Bolen Robinson & Ellis, LLP, their attorneys, hereby move for a continuance of the hearing now scheduled for August 31, 2006; and in support hereof, state as follows:

1. Movants are property owners who are affected land owners who earlier received correspondence from Enbridge Pipelines LLC ("Enbridge"), wherein Enbridge described a newly proposed crude petroleum pipeline project and discussed the possibility of easements for the location of this project, which Enbridge calls its "Southern Access Pipeline Expansion Program." (See Enbridge correspondence dated March 1, 2006, which is attached as Exhibit A.)

2. Enbridge sent further correspondence to Movants on June 5, 2006, requesting further information from Movants and from tenant farmers of the property. The correspondence gave the impression that any easements would be negotiated with property owners, suggesting that the granting of an easement for the pipeline would be voluntary, and not mandatory. (See two letters dated June 5, 2006, attached as Exhibit B.)

3. Subsequent to June 5, 2006, Movants have learned that the Enbridge companies seek an "Application for Certificate in Good Standing" with the Illinois Commerce Commission; and Movants now understand that this application could result in a granting of the power of eminent domain which could ultimately allow Enbridge to forcibly take portions of Movants' farm property.

4. More recently, Movants received notice from the Illinois Commerce Commission dated July 28, 2006, wherein the hearing on the Enbridge Application for a Certificate in Good Standing was continued to August 31, 2006, at the Commission offices in Chicago.

5. Movants now seek a continuance of the August 31 hearing for the following reasons:

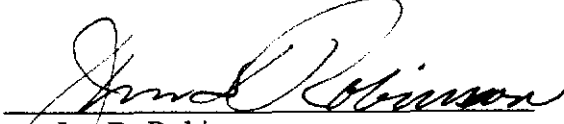
- a. Not until early August did Movants receive any notice that Enbridge had a pending petition for Certificate in Good Standing which proceeding could result in the granting to Enbridge of authority to take Movants' property through the eminent domain process; and Movants have been unable to properly prepare objections to the Enbridge Petition.
- b. Movants, and many of the other similarly situated land owners, are currently out of state and unavailable to properly prepare and organize objections for a hearing on the Enbridge application.
- c. Some of the other similarly situated land owners have not yet received any notice of the pending application or the Enbridge plan to build a pipeline over portions of their property.

- d. Most of the land owners are either farmers or they have tenant farmers who are preparing for harvest, and the harvesting process on their properties is normally not completed until the end of October.

WHEREFORE, Movants respectfully request that the pending Application for Certificate in Good Standing presented by Enbridge be continued until October 31, 2006, or thereafter.

ROSAMOND C. HAM and CLEAVE FAMILY TRUST

By BOLEN ROBINSON & ELLIS, LLP

By   
Jon D. Robinson

Enbridge Pipelines (Lakehead) L.L.C.  
119 N. 25<sup>th</sup> Street East  
Superior, WI 54880  
Tel 715 394 1577  
Fax 715 394 1570  
www.enbridgepartners.com

Douglas B. Aller  
Senior Land & Right-of-Way Specialist



March 1, 2006

Tract No. 4-633

Rosamond-Wilbert Ham  
c/o Experience Builders LLC  
836 Custer Ave  
Evanston, IL 60202

Dear Landowner:

I am writing to advise you of Enbridge's newly proposed crude petroleum pipeline project in your area. According to our initial research, you are a landowner along the preliminary proposed pipeline route. This letter and the enclosed brochure will provide you with more information about this pipeline expansion project and the next steps we will be taking to refine the proposed route.

An early step required in any project of this size is to enter open dialogue with potentially affected landowners. In order for Enbridge to plan, design and permit the new pipeline, we must conduct environmental assessments and land surveys very early in the process to determine the route and pipeline construction compatibility.

We are sending you this early correspondence to advise you that one of our representatives will be personally contacting you in the coming months to discuss the project and potentially seek permission to survey your land and conduct environmental and cultural resource assessments. Surveys and assessments would need to cover land where we might be seeking a pipeline easement and/or areas where temporary working space for pipeline construction might be required. The enclosed material provides additional information on the project, environmental assessments and property surveys.

Since 1950, Enbridge has safely, reliably and economically transported western Canadian crude petroleum to serve refining centers in the Great Lakes region through what is known as the Company's "Lakehead System" of underground pipelines. This system has been expanded many times during the last few decades to meet the region's rising demand for petroleum transportation. Today, Enbridge delivers approximately 65 percent of the crude petroleum used by refiners in the Great Lakes states and transports approximately 10 percent of total U.S. oil imports.

Enbridge is proposing to expand the Lakehead System again in Wisconsin and Illinois. This planned initiative is a staged proposal that we are calling our "Southern Access" pipeline expansion program. This program is designed to improve energy supply to the U.S. Midwest by accessing new reserves from the oil sands of western Canada. Once completed, the staged expansion will include a total of 454 miles of new pipeline (likely 36 inches in diameter) from Superior, Wisconsin to Flanagan, Illinois. This pipeline could also be extended further south in a future stage to the major pipeline hub at Patoka, Illinois.

EXHIBIT A

Stage 1 of the Southern Access pipeline expansion program is currently underway. It will consist of a 321-mile underground pipeline that in almost all instances will be installed within the existing Enbridge pipeline right-of-way between Enbridge's terminal facility in Superior, Wisconsin and its Delavan pumping station near the Whitewater/Delavan area of Wisconsin. Stage 1 is scheduled for completion in 2008.

The proposed Stage 2 is the segment tentatively routed through your area and includes a new pipeline from the Delavan pumping station to Enbridge's tank terminal near Flanagan, Illinois. There the pipeline will interconnect with another existing Enbridge pipeline. Stage 2 requires approximately 133 miles of pipeline in new right-of-way (22 miles to the Wisconsin/Illinois border and 111 miles in Illinois), with a scheduled completion date in 2009.

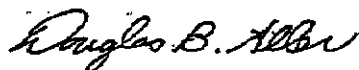
The proposed pipeline expansion program will increase U.S. access to Canada's vast oil sands reserves in northern Alberta, which are second only to the oil reserves of Saudi Arabia. Regional refineries need access to a more secure, economical and reliable petroleum supply as they have been faced with a continuing decline in crude petroleum production from the continental U.S. Every day, gasoline, diesel fuel and other petroleum products are delivered from these refineries to fuel the lives of the people and businesses of Wisconsin and Illinois.

We understand the value of sharing information and incorporating public input into our project plans. Through open communication, we can ensure that questions and concerns are addressed and that your feedback can be used to help in the planning and implementation of this project.

I know you will have questions about our expansion program, and we look forward to meeting with you to discuss them. Some may be answered by the enclosed information, but if you have further questions, our Enbridge representative will be happy to attempt to answer them when you are contacted. We have also launched a website for our Southern Access expansion program, which you can visit at [www.southernaccess.com](http://www.southernaccess.com). If you have more immediate questions that are not addressed in these materials or need to convey up-to-date property owner/contact information, please call our Sycamore, Illinois right-of-way office toll-free at 888-527-2015.

Thank you for reviewing this information. We look forward to meeting with you to further discuss this pipeline expansion program.

Sincerely,



Douglas B. Aller

Enclosure

EXHIBIT B

June 5, 2006

Mr. Scott Cleave  
Experience Builders LLC  
836 Custer Avenue  
Evanston, IL 60606

RE: LaSalle County, IL Property, E/2 SW/4, Sec. 28, T33N, R4E, Tax ID Number 19-27-300-002, Project Tract Number 4-633 (Rosamond-Wilbert Hamm)

RE: LaSalle County, IL Property, NW/4, Sec. 34, T33N, R4E, Tax ID Number 19-34-100-001, Project Tract Number 4-635, 4-637 (Forrest H. Cleave, homestead)

Dear Mr. Cleave

This letter is in response to our phone conversation of June 2, 2006. As we discussed, Enbridge Energy, Limited Partnership is proposing to install a crude oil pipeline in Southern Wisconsin and Northern Illinois.

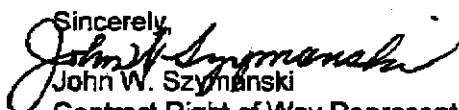
At this time we are working to pinpoint the route and are preparing to conduct the environmental, cultural, and center line surveys necessary. These surveys should begin sometime in May or June and we are requesting permission to do so on the above referenced property. Said surveys will be done on foot and there will not be motorized vehicles of any kind. Should the Company ultimately wish to use the present depicted route of the pipeline, an easement would, of course, have to be negotiated.

I would appreciate the name and contact phone number of the tenant farmer if applicable. We will, of course keep him / her informed of our activities and notify all interested parties in advance of any entry onto the property.

I have enclosed the survey permission and indemnification form in duplicate which I have signed on behalf of the Company. Please sign and return one copy in the enclosed self addressed and stamped envelope.

Thank you in advance for granting us permission to conduct our survey. If you have any questions or concerns, please call our office in Sycamore, Illinois toll free 888-527-2015 or my cell phone at 815-762-5011 or preferably 954-415-2818 because it generally does not fail as does the 815 number.

Sincerely,



John W. Szymanski  
Contract Right of Way Representative  
Enbridge Energy, Limited Partnership

P.O. BOX 55 • SYCAMORE, ILLINOIS 60178 • (815) 762-5011 / (888) 527-2015

EXHIBIT B

Enbridge Pipelines (Lakehead) L.L.C.  
119 N. 25<sup>th</sup> Street East  
Superior, WI 54880  
Tel 715 394 1577  
Fax 715 394 1570  
www.enbridgepartners.com

Douglas B. Aller  
Senior Land & Right-of-Way Specialist

**ENBRIDGE™**

June 5, 2006

Tract No.: 4-635

Forrest H Cleave  
c/o Experience Builders LLC  
836 Custer Ave  
Evanston, IL 60202

Dear Landowner:

I am writing to supplement the previous letter you received regarding Stage 2 of Enbridge's pipeline expansion program in Illinois and Wisconsin.

The major focus of my last letter was to inform you of the project and begin the process of obtaining landowner permission to conduct various environmental and cultural resource surveys and assessments on the preliminary proposed pipeline route. There are a large number of landowners who must be contacted. If you have not yet received a personal call, we should be in contact with you shortly.

As with any project of this nature, when we begin the communication process with landowners, public officials, farm bureaus and other local organizations, we obtain new information that was not available during our original routing assessment. This information and the planned environmental surveys will help us consider various land, waterway and other features as we continue our design plans. It will also help us build the proposed pipeline in a way that minimizes community, landowner and environmental impacts.

Since the vast majority of our proposed route goes through agricultural land, we have been very focused in working with the Department of Agriculture in both Illinois and Wisconsin in the development of formal agricultural impact mitigation plans and/or agreements. During this process, we have sought the input of local farm bureaus, soil and water conservation districts and drain tile contractors concerning construction and land restoration sensitivities, particularly with regard to agricultural impacts and mitigation measures. These efforts are aimed at adopting and implementing procedures for the protection of future crop productivity.

As we mentioned in the previous letter, this project is responsive to demand from regional petroleum refineries seeking increased supply of secure, reliable and economical crude petroleum from the oil sands of western Canada. As we have looked ahead to the demand growth over the coming decade, we have decided to increase the pipe diameter to 42 inches, allowing for increases in deliveries within the same pipe to meet future energy needs of the region. This change will not require modification in the width of the planned permanent easement and temporary construction workspace.

In order to facilitate transportation of increased crude petroleum supply to regional refineries, Enbridge is now proposing to install a second (16 to 20-inch diameter) pipeline along a portion of the same proposed right-of-way. This additional pipeline would ship light petroleum hydrocarbons, called "diluent," *from* refineries and other sources in the Chicago area *to* the western Canadian oil sands region for blending with the heavy crude petroleum produced there. The diluent would be used to thin the crude oil for subsequent pipeline transportation.

Oil sands producers are seeking more diluent to facilitate increased crude oil production and transportation to refinery markets. Refiners are seeking markets for these lower-value, light petroleum hydrocarbons. Both parties (producers and refiners) *would in essence be entering* into a major recycling program that would stimulate increased supply of crude petroleum from the oil sands region in Canada.

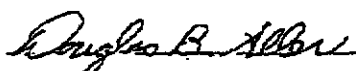
The construction of the second pipeline would not require changes in either the width of the permanent right-of-way *or temporary workspace needed* for construction, as the smaller diameter pipeline can be constructed with smaller equipment. In addition, by combining these two pipelines into one expansion program, both of them can be installed in the same construction season, thereby limiting future land and landowner disruption.

As we move ahead in our plans to begin environmental and cultural resource surveys this summer, we have been meeting with federal, state and local officials to develop the plans and initiate the filings that are necessary to keep this project on schedule toward 2008 construction and start of operations in early 2009.

Having built thousands of miles of underground pipeline, we understand the inconveniences and disruption created by new pipeline construction. We will be doing what we can to work with you, regulatory agencies and the local community to minimize these impacts while providing the increased pipeline capacity needed for reliable energy supply to Illinois, Wisconsin and other regional consumers.

As our right-of-way agents are out calling on landowners, if you have any questions that need immediate answers, please call our Sycamore, Illinois right-of-way office toll-free line (888-527-2015), and we will be back to you as soon as possible.

Sincerely,



Douglas B. Aller



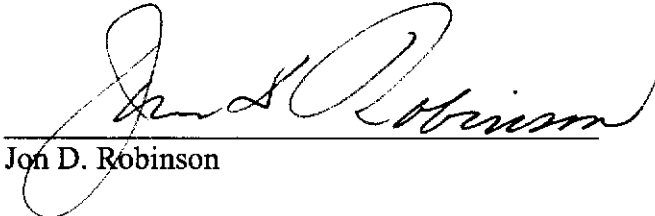
# CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I mailed a true and exact copy of the above and foregoing document by depositing same in the United States Mail at 5:00 p.m. properly addressed to the following this 15th day of August, 2006.

Elizabeth A. Rolando, Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701

Administrative Law Judge Hilliard  
Illinois Commerce Commission  
Michael A. Bilandic Building  
160 North LaSalle, Suite C-800  
Chicago, IL 60601

Douglas B. Aller  
Enbridge Energy, Limited Partnership  
119 N. 25<sup>th</sup> Street East  
Superior, WI 54880

  
Jon D. Robinson

BOLEN ROBINSON & ELLIS, LLP  
202 South Franklin, 2<sup>nd</sup> Floor  
Decatur, Illinois 62523  
Telephone: 217-429-4296  
Fax: 217-329-0034